



PRELIMINARY GRADING PLAN

PRE-CONSTRUCTION MEETING: Prior to or during the Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances, the following actions shall take place:

1. UPLAND ARROYO TOAD HABITAT AVOIDANCE: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE X2]. Intent: In order to avoid impacts to the arroyo toad, which is listed as an endangered species pursuant to the Endangered Species Act, all construction, grading and clearing activities on-site will take place during the arroyo toad breeding season (defined as March 15-July 31). During their breeding season, the toads are most likely to stay within the riparian/creek area, which will be protected by a biological open space easement, and less likely to be in the upland impact area. Description of Requirement: There shall be no brushing, clearing and/or grading allowed on-site between July 31 and March 15. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no suitable arroyo toad upland habitat or friable soils are present in the vicinity of the brushing, clearing or grading. Documentation: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No Grading shall occur on-site between July 31 and March 15 until concurrence is received from the County and the Wildlife Agencies. Timing: Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. Monitoring: The [DPW, PDCI] shall not allow any grading during the specified dates, unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.

2. ARROYO TOAD EXCLUSIONARY FENCING: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE]. Intent: In order to prevent inadvertent disturbance to the endangered arroyo toad, temporary construction fencing shall be installed. Description of Requirement: To preclude arroyo toads from the proposed impact areas, arroyo toad exclusionary fencing will be installed around the proposed impact area prior to the commencement of any grading and/or clearing in association with this grading plan. The fence will consist of fabric or plastic at least two feet (0.61 m) high, staked firmly to the ground with the lower one foot of material stretching outward along the ground and secured with a continuous line of gravel bags. No digging or vegetation removal will be associated with the installation of this fence and all materials will be removed when the project is complete. Ingress and egress of equipment and personnel will use a single access point to the site. This access point will be as narrow as possible and will be closed off by exclusionary fencing when personnel are not on the project site. A County Approved Biologist shall supervise and verify placement of arroyo toad exclusionary fencing. Documentation: The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the impact area, with the concurrence of a County Approved Biologist (Biological Monitor). The applicant shall submit photos of the fencing along with the certification letter to the [DPLU, PCC] for approval. Timing: Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. Monitoring: The [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the toad exclusionary fencing, or review the certification and pictures provided by the applicant.

3. BIOLOGICAL MONITORING: [DPLU, PCC] [DPW,PDCI] [PC] [DPLU, FEE X3]. Intent: In order to prevent inadvertent disturbance to the endangered arroyo toad, all grading shall be monitored by a biological monitor. Description of Requirement: The County Approved Biologist shall perform the following duties before construction to comply with the conditions of this Grading Plan and Tentative Parcel Map:

a. Prior to impacts, but after exclusionary fencing has been installed, at least three surveys for arroyo toads will be conducted within the fenced area by a Service-approved biologist. Surveys will be conducted during the appropriate climatic conditions during the appropriate time of day or night to maximize the likelihood of encountering arroyo toads. If climatic conditions are not appropriate for arroyo toad movement during the surveys, the biologist may attempt to illicit a response from the arroyo toads, during nights (i.e. at least one hour after sunset) with temperatures above 50 degrees Fahrenheit, by spraying the project area with water to simulate a rain event. If an arroyo toad is found within the project site during the surveys or the maintenance activities, all work will cease and "take" authorization will be obtained from the Service. [A Service-approved biologist will be able to identify arroyo toads visually and vocally and will have a minimum of 20 hours of survey experience for this species. To receive approval, the biologist will submit his/her resume and references to the Service for review and approval at least 10 days prior to initiation of project-related activities.]

b. The County Approved Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the DPLU Permit Compliance Section.

c. The County Approved Biologist will conduct a training session for all project personnel prior to proposed maintenance activities. At a minimum, the training will include a description of the arroyo toad, the general provisions of the Endangered Species Act (Act), the need to adhere to the provisions of the Act, the penalties associated with violating the Act, the general measures that are being implemented avoid and minimize impacts to listed species, and maintenance activity boundaries.

Documentation: The County Approved Biologist (Biological Monitor) shall prepare written documentation that all construction staff have been trained on arroyo toad avoidance. Timing: Prior to or during the Preconstruction Conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. Monitoring: The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the biological monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

4. ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] Intent: In order to comply with Mitigation Monitoring and Reporting Program pursuant to TPM 20857, a Cultural Resource Grading Monitoring Program shall be implemented. Description of Requirement: The County approved 'Project Archaeologist,' Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The following are responsibilities of the Archaeological Monitor to be discussed during the pre-construction meeting: The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources. Documentation: The applicant shall have the contracted Project Archeologist and Native American attend the preconstruction meeting to explain the monitoring requirements. Timing: Prior to or during the Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. Monitoring: The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.

DURING CONSTRUCTION: (The following actions shall occur throughout the duration of the grading construction.)

5. Access to the site will be via pre-existing access routes to the greatest extent possible. Project-related vehicle traffic will be limited to daylight hours as arroyo toads use roadways primarily during nighttime hours.

6. Activities that attract non-native insects (e.g., ants) and toad predators will be minimized by keeping the project site as clean as possible. All food-related trash will be placed in sealed bins or removed from the site.

7. Dust control (i.e., water truck spraying) will be performed at the direction of the biological monitor in a manner that does not attract toads into the action areas.

8. Excavations will be properly covered to prevent toads from entering any open pits.

9. Pets of project personnel will not be allowed on the project site;

10. Disposal or temporary placement of excess fill, brush or other debris will not be allowed in Pine Creek;

11. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of Pine Creek within the project impact limits (which will be fenced for arroyo toad exclusion according to note 2 above). These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in accordance with storm water BMPs listed in the project Storm Water Management Plan, and will be shown on the construction plans. Fueling of equipment will take place within existing paved areas or designated fueling areas designed to contain fuel drips greater than 100 feet from Pine Valley Creek and tributaries to Pine Valley Creek. Contractor equipment will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans.

12. BIOLOGICAL MONITORING: [DPLU, PCC] [DPW,PDCI] [PC] [DPLU, FEE X3]. Intent: In order to prevent inadvertent disturbance to the endangered arroyo toad, all grading shall be monitored by a biological monitor. Description of Requirement: A County Approved Biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no suitable arroyo toad upland habitat or friable soils are present in the vicinity of the brushing, clearing or grading. The County Approved Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any biological open space areas. If there are disturbances to biological open space, the monitor must report them immediately to the [DPLU PCC]. Additionally, the biologist shall perform the following duties: [DPLU, FEE]

a. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector;

b. Periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector;

c. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the arroyo toad and its habitat, and the conservation measures that should be implemented during project construction;

d. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat;

e. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;

f. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and DPLU Permit Compliance Section within 24 hours;

g. Produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the DPLU (final report will release bond);

h. Confer with the Wildlife Agencies and DPLU Permit Compliance Coordinator within 24 hours any time protected habitat or species are being affected by construction;

i. Attend construction meetings and other meetings as necessary.

j. A County Approved Biologist will be present during all ground disturbing activities and habitat disturbance to monitor the site for arroyo toads. The project biologist will be empowered to halt work activity if necessary and to confer with staff from the Service to ensure proper implementation of species and habitat protection measures. If during project implementation an arroyo toad is found within the project site, all work will be halted and take authorization will be obtained from the Service.

k. The County Approved Biologist will be on call and available as needed throughout the construction activities and will be on site full-time, for two to three days, following any measureable rainfall.

Documentation: The County Approved Biologist shall prepare and submit to the satisfaction the [DPLU, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. Timing: The listed actions shall occur throughout the duration of the grading construction. Monitoring: The [DPW, PDCI] shall assure that the County Approved Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the County Approved Biologist. The [DPW, PDCI] shall contact the [DPLU, PCC] if the County Approved Biologist or applicant fails to comply with this condition. The [DPLU, PCC] shall review and approve the monitoring reports for compliance with this condition.

13. ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2] Intent: In order to comply with Mitigation Monitoring and Reporting Program pursuant to TPM 20857, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources, Cultural Resource Grading Monitoring Program shall be implemented. Description of Requirement: The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading: a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist. b. In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods. c. If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains.

Documentation: The applicant shall implement the grading monitoring program pursuant to this condition. Timing: Throughout the duration of the grading construction. Monitoring: The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.

ROUGH GRADING: Prior to rough grading approval and issuance of any building permit, the following actions shall occur:

14. BIOLOGICAL MONITORING REPORT: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TPM 20857, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources, a Grading Monitoring Program shall be implemented. Description of Requirement: The County Approved Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact additional areas of arroyo toad habitat, RPO wetland or wetland buffer, or other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources. It shall also include but not be limited to the following items:

a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.

b. Monitoring logs showing the date and time that the monitor was on site.

c. Photos of the site after the grading and clearing activities.

Documentation: The applicant shall submit the final biological monitoring report to the [DPLU, PCC] for review and approval. Timing: Upon completion of all grading activities, and prior to Rough Grading final inspection (Grading Ordinance SEC 87.421.a.2), the final report shall be completed. Monitoring: The [DPLU, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

15. ARCHAEOLOGICAL MONITORING REPORT: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TPM 20857, and the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological Resources, a Grading Monitoring Program shall be implemented. Description of Requirement: The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

a. If no archaeological resources are encountered during grading, then submit a final Negative Monitoring Report substantiating that grading activities are completed and no cultural resources were encountered. Monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.

b. If archaeological resources were encountered during grading, the Project Archaeologist shall provide a Monitoring Report stating that the field grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

Documentation: The applicant shall submit the Monitoring report to the [DPLU, PCC] for review and approval. Timing: Upon completion of all grading activities, and prior to Rough Grading final inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. Monitoring: The [DPLU, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the following actions shall occur:

16. EASEMENT AVOIDANCE: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE]. Intent: In order to protect sensitive resources, pursuant to County Grading Ordinance Section 87.112 the open space easements shall be avoided. Description of Requirement: The easement indicated on this plan is for the protection of RPO wetlands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the County Grading Ordinance Section 87.112 and will result in enforcement action and restoration. The only exception(s) to this prohibition are:

a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.

b. Activities conducted pursuant to a re-vegetation or habitat management plan approved by the Director of Planning and Land Use.

c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

Documentation: The applicant shall provide a letter statement to the [DPLU, PCC] stating that all biological open space easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. Timing: Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. Monitoring: The [DPW, PDCI] shall review the letter for compliance with this condition.